

SENATE BILL 319

B5

(0lr0594)

ENROLLED BILL

— Budget and Taxation/Environmental Matters —

Introduced by **Senators Miller, Currie, McFadden, Astle, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Peters, Pinsky, Pugh, Raskin, Robey, and Rosapepe**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **African American Heritage Preservation Program**

3 FOR the purpose of establishing the African American Heritage Preservation Program
4 in the Maryland Historical Trust to identify and preserve certain buildings,
5 communities, and sites of historical and cultural importance to the African
6 American experience; requiring the Trust to develop and administer the
7 Program in ~~consultation~~ partnership with the Commission on African American
8 History and Culture; authorizing certain entities to submit, on or before a
9 certain date, an application to receive a grant for an African American heritage
10 preservation capital project; requiring that grants to certain grantees under the
11 Program require a certain matching fund; requiring the Trust and Commission
12 to review grant applications ~~before a certain date and make certain~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 ~~recommendations to the Commission~~ and consider certain factors; requiring the
 2 Trust and Commission ~~to approve~~, on or before a certain date, to recommend
 3 capital projects for funding in the State capital budget and forward the
 4 recommendations to the Department of Budget and Management; requiring the
 5 Governor to include certain funding in the annual capital budget submission;
 6 requiring the Trust and Commission to report to the Governor and General
 7 Assembly on or before a certain date; requiring a grantee under the Program to
 8 enter into a certain agreement, unless the requirement is waived by the
 9 Secretary of Planning; requiring the ~~Trust~~ Secretary, in consultation with the
 10 Commission, to adopt certain regulations to implement the Program; providing
 11 that certain regulations may not be adopted unless approved by the Board of
 12 Public Works; requiring the Trust and Commission, to the extent required by
 13 certain regulations, to submit grants recommended under the Program to the
 14 Board of Public Works for approval; defining certain terms; stating ~~the~~ a certain
 15 intent of the General Assembly; providing for the termination of this Act; and
 16 generally relating to a State capital grant program for African American
 17 heritage preservation.

18 BY adding to
 19 Article – State Finance and Procurement
 20 Section 5A–330
 21 Annotated Code of Maryland
 22 (2009 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – State Finance and Procurement**

26 **5A–330.**

27 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
 28 MEANINGS INDICATED.

29 (2) “CAPITAL PROJECT” MEANS THE:

30 (I) ACQUISITION OF LAND OR BUILDINGS FOR AN
 31 AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT; OR

32 (II) CONSTRUCTION OR IMPROVEMENT OF AN
 33 AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT.

34 (3) “COMMISSION” MEANS THE COMMISSION ON
 35 AFRICAN AMERICAN HISTORY AND CULTURE.

1 (4) “CONSTRUCTION OR IMPROVEMENT” MEANS PLANNING,
2 DESIGN, ENGINEERING, ALTERATION, CONSTRUCTION, RECONSTRUCTION,
3 ENLARGEMENT, EXPANSION, EXTENSION, IMPROVEMENT, REPLACEMENT,
4 REHABILITATION, RENOVATION, UPGRADING, REPAIR, OR CAPITAL EQUIPPING.

5 (5) “GRANTEE” MEANS A BUSINESS ENTITY, INDIVIDUAL,
6 NONPROFIT ORGANIZATION, OR POLITICAL SUBDIVISION.

7 (6) “SECRETARY” MEANS THE SECRETARY OF PLANNING.

8 (B) (1) THERE IS AN AFRICAN AMERICAN HERITAGE PRESERVATION
9 PROGRAM IN THE TRUST.

10 (2) THE PURPOSE OF THE AFRICAN AMERICAN HERITAGE
11 PRESERVATION PROGRAM IS TO IDENTIFY AND PRESERVE BUILDINGS,
12 COMMUNITIES, AND SITES OF HISTORICAL AND CULTURAL IMPORTANCE TO THE
13 AFRICAN AMERICAN EXPERIENCE IN MARYLAND.

14 (C) THE TRUST SHALL DEVELOP AND ADMINISTER THE
15 AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM IN ~~CONSULTATION~~
16 PARTNERSHIP WITH THE COMMISSION.

17 (D) (1) ON OR BEFORE JULY 15 OF EACH YEAR, A GRANTEE MAY
18 SUBMIT AN APPLICATION TO THE ~~TRUST~~ JOINT PARTNERSHIP OF THE TRUST
19 AND COMMISSION TO RECEIVE A GRANT FOR AN AFRICAN AMERICAN HERITAGE
20 PRESERVATION CAPITAL PROJECT FOR THE NEXT FISCAL YEAR.

21 (2) AN APPLICATION SHALL INCLUDE:

22 (I) A DESCRIPTION OF THE SCOPE AND PURPOSE OF THE
23 PROJECT;

24 (II) A BUILDING PLAN THAT INCLUDES THE ESTIMATED
25 TOTAL COST OF THE PROJECT; AND

26 (III) ANY OTHER INFORMATION REQUIRED BY THE TRUST
27 AND COMMISSION.

28 (E) GRANTS UNDER THE PROGRAM TO A BUSINESS ENTITY,
29 INDIVIDUAL, OR POLITICAL SUBDIVISION:

30 (1) REQUIRE A MATCHING FUND FROM ANY COMBINATION OF
31 FEDERAL, COUNTY, MUNICIPAL, OR PRIVATE SOURCES; AND

1 **(2) MAY NOT EXCEED 50% OF THE TOTAL COST OF AN**
 2 **AFRICAN AMERICAN HERITAGE PRESERVATION CAPITAL PROJECT.**

3 **(F) (1) THE TRUST AND COMMISSION SHALL REVIEW GRANT**
 4 **APPLICATIONS SUBMITTED IN ACCORDANCE WITH SUBSECTION (D) OF THIS**
 5 **SECTION.**

6 ~~**(2) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE TRUST SHALL**~~
 7 ~~**MAKE RECOMMENDATIONS TO THE COMMISSION REGARDING**~~ **AND SHALL MAKE**
 8 **RECOMMENDATIONS FOR AFRICAN AMERICAN HERITAGE PRESERVATION**
 9 **CAPITAL PROJECT GRANTS FOR THE NEXT FISCAL YEAR.**

10 ~~**(3) (2)**~~ **(2) IN MAKING ~~ITS~~ RECOMMENDATIONS UNDER THIS**
 11 **SUBSECTION, THE TRUST AND COMMISSION SHALL CONSIDER:**

12 **(I) THE PUBLIC NECESSITY AND URGENCY OF A PROJECT;**

13 **(II) THE NEED FOR ADDITIONAL SOURCES OF FUNDING FOR**
 14 **A PROJECT;**

15 **(III) THE ESTIMATED COST AND TIMELINESS OF EXECUTING**
 16 **A PROJECT;**

17 **(IV) THE VIABILITY OF MATCHING FUNDS FOR A PROJECT;**
 18 **AND**

19 **(V) GEOGRAPHIC DIVERSITY.**

20 ~~**(4) (3)**~~ **(3) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE**
 21 **TRUST AND COMMISSION SHALL:**

22 **(I) ~~APPROVE~~ RECOMMEND AFRICAN AMERICAN HERITAGE**
 23 **PRESERVATION CAPITAL PROJECTS FOR FUNDING IN THE STATE CAPITAL**
 24 **BUDGET FOR THE NEXT FISCAL YEAR; AND**

25 **(II) FORWARD THE LIST OF ~~APPROVED~~ RECOMMENDED**
 26 **PROJECTS AND GRANTEES TO THE DEPARTMENT OF BUDGET AND**
 27 **MANAGEMENT.**

28 **(G) FOR FISCAL YEAR 2012 AND EACH FISCAL YEAR THEREAFTER, THE**
 29 **GOVERNOR SHALL INCLUDE IN THE ANNUAL CAPITAL BUDGET SUBMISSION**
 30 **\$1,000,000 FOR AFRICAN AMERICAN HERITAGE PRESERVATION CAPITAL**
 31 **PROJECTS.**

1 (H) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE TRUST AND
2 COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §
3 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON
4 STATE GRANTS AWARDED FOR AFRICAN AMERICAN HERITAGE PRESERVATION
5 CAPITAL PROJECTS FOR THE PRIOR FISCAL YEAR.

6 (I) (1) ~~THE~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
7 SUBSECTION, THE TRUST SHALL REQUIRE A GRANTEE UNDER THE AFRICAN
8 AMERICAN HERITAGE PRESERVATION PROGRAM TO ENTER INTO AN
9 AGREEMENT TO PRESERVE AND MAINTAIN THE PROPERTY.

10 (2) IF THE PROPERTY IS HISTORIC REAL PROPERTY, THE
11 AGREEMENT SHALL BE A RECORDABLE HISTORIC PRESERVATION EASEMENT.

12 (3) THE SECRETARY MAY WAIVE THE EASEMENT REQUIREMENT
13 IF THE SECRETARY DETERMINES THAT AN EASEMENT IS IMPRACTICABLE OR
14 INFEASIBLE UNDER THE CIRCUMSTANCES.

15 (J) (1) ~~THE TRUST~~ SUBJECT TO PARAGRAPH (2) OF THIS
16 SUBSECTION, THE SECRETARY, IN CONSULTATION WITH THE COMMISSION,
17 SHALL ADOPT REGULATIONS TO IMPLEMENT THE AFRICAN AMERICAN
18 HERITAGE PRESERVATION PROGRAM.

19 (2) A PROPOSED REGULATION THAT RELATES TO APPROVAL BY
20 THE BOARD OF PUBLIC WORKS OF GRANTS TO BE FINANCED THROUGH THE
21 SALE OF STATE GENERAL OBLIGATION BONDS MAY NOT BE ADOPTED UNDER
22 PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE REGULATION IS APPROVED
23 BY THE BOARD OF PUBLIC WORKS.

24 (K) TO THE EXTENT REQUIRED BY REGULATIONS ADOPTED UNDER
25 SUBSECTION (J) OF THIS SECTION, THE TRUST AND THE COMMISSION SHALL
26 SUBMIT TO THE BOARD OF PUBLIC WORKS FOR THE BOARD'S APPROVAL EACH
27 RECOMMENDED AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM
28 GRANT THAT IS TO BE FINANCED THROUGH THE SALE OF STATE GENERAL
29 OBLIGATION BONDS.

30 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
31 General Assembly that the Maryland Historical Trust and the Commission on African
32 American History and Culture administer the African American Heritage
33 Preservation Program established under this Act using existing resources.

34 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect June 1, 2010. It shall remain effective for a period of 5 years and, at the end of

1 May 31, 2015, with no further action required by the General Assembly, this Act shall
2 be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.